

REMARKS

As a preliminary matter, Applicant respectfully requests that the correspondence address change and the power of attorney filed on March 6, 2007 be entered and that the address of record be changed. The current power of attorney should be to Customer number 24978 and the current address of record should be:

Patrick G. Burns – Greer, Burns & Crain, Ltd.
300 South Wacker Drive, Suite 2500
Chicago, IL 60606

Claims 8 and 10-12 stand rejected under 35 U.S.C. §102(e) as being anticipated by United States Patent No. 6,915,824 to Kuramori et al. Applicant has cancelled Claims 8 and 10-12, without prejudice, thereby rendering this rejection moot.

Claims 2, 4-6, 8 and 10-12 stand rejected under 35 U.S.C. §103 as being unpatentable over United States Patent No. 6,915,824 to Kuramori et al. As mentioned above, Applicant has cancelled Claims 8 and 10-12, without prejudice, thereby rendering this rejection moot with respect to these claims. However, with respect to Claims 2 and 4-6, Applicant respectfully traverses this rejection.

Applicant respectfully submits that the Kuramori et al., reference does not qualify as prior art for a §103 rejection because both the present application and the Kuramori et al. reference are commonly assigned to the same assignee (The Yokohama Rubber Co., Ltd). More specifically, as discussed in MPEP § 706.02(I)(1), for applications such as this one which were filed on or after November 29, 1999, subject matter which was previously considered as prior art under former 35 U.S.C. § 103 via 35 U.S.C. § 102(e) is

now disqualified as prior art against the claimed invention if that subject matter and the claimed invention were, at the time that the invention was made, owned by the same person or entity or subject to an assignment to the same person or entity.

In the instant case, Applicants respectfully submit that both the present application and the Kuramori et al. patent are now, and previously were at the time that the claimed invention was made, commonly owned by the same entity (The Yokohama Rubber Co., Ltd.). The Kuramori et al. patent, which has Serial No. 10/615,240, has been assigned to The Yokohama Rubber Co., Ltd. since at least the recordation date of July 9, 2003, as evidenced in the Assignment Records on Reel 014291, Frame 0450. The present application, Serial No. 10/568, 345, is also assigned to The Yokohama Rubber Co., Ltd., and has been assigned to The Yokohama Rubber Co., Ltd. since at least January 1, 2006, as evidenced in the Assignment Records on Reel 017840 and Frame 0070.

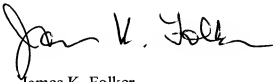
Accordingly, as evidence establishing common ownership has been provided, Applicant respectfully requests that the Kuramori et al. reference be withdrawn as valid § 103 prior art. *See* MPEP § 706.02(I)(2)(II). Since the Kuramori et al. reference has been withdrawn as prior art, Applicants respectfully submit that the § 103 rejection of Claims 2 and 4-6 under Kuramori et al. should be withdrawn.

Claims 8 and 10-12 stand rejected on the ground of obviousness-type double-patenting as being unpatentable over Claim 1 of United States Patent No. 6,915,824. As mentioned above, Applicant has cancelled Claims 8 and 10-12, without prejudice, thereby rendering this rejection moot.

For all of the above reasons, Applicant requests reconsideration and allowance of the claimed invention. Should the Examiner be of the opinion that a telephone conference would aid in the prosecution of the application, or that outstanding issues exist, the Examiner is invited to contact the undersigned attorney.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By 

James K. Folker
Registration No. 37,538

September 12, 2008

Suite 2500
300 South Wacker Drive
Chicago, Illinois 60606
(312) 360-0080

Customer No. 24978

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